

HAMILTON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2005

The Hamilton County Board of Commissioners met on Monday, November 14, 2005 in the Commissioner's Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A. President Altman called the public session to order at 2:48 pm and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited.

**Approval of Minutes**

Dillinger motioned to approve the minutes of October 24, 2005 and November 4, 2005. Holt seconded. Motion carried unanimously.

**Executive Session Memoranda**

Dillinger motioned to approve the November 14, 2005 Executive Session Memoranda. Holt seconded. Motion carried unanimously.

**Bid Opening**

**Small Structure #21040, Anthony Road over Branch of Isaac Jones Ditch**

Bids for Small Structure #21040, Anthony Road over Branch of Isaac Jones Ditch were opened by Mr. Michael Howard in Conference Room 1A. Form 96, Non-collusion Affidavit, Bid Bond and Financial Statements were included in each bid unless otherwise specified. 1) American Consulting - \$325,661.75; 2) Calumet Asphalt - \$294,100.00; 3) Erber & Milligan - \$205,866.90; 4) George R. Harvey & Son - \$198,191.34; 5) Schutt-Lookabill Company - \$230,587.06; 6) Atlas Construction - \$224,680.30; 7) HIS Constructors - \$266,400.00; 8) Yardberry Excavating - \$300,930.50; 9) Tramco - \$258,895.00; 10) Small Wilson - \$253,344.85; Howard referred the bids to the highway department for review and recommendation at the next meeting.

**Bid Award**

**Fiber Ring**

Ms. B.J. Casali recommended the bids for the Fiber Construction project for the UASI Grant be awarded to Indiana Fiber Works for the SR 32 segment from the Hamilton County Government and Judicial Center to Riverview Hospital to the eastern edge of Westfield's existing fiber at a cost of \$262,115 with a yearly maintenance fee of \$2,152. The other segment awarded to Indiana Fiber Works is the nFrame to IQuest at the Henry Street Facility in the amount of \$132,275 with a yearly maintenance fee of \$11,865. The segment from the Carmel Clay Communications Center (C4) to nFrame in Carmel award to FiberTech in the amount of \$74,148 with a yearly maintenance fee of \$1,947. The evaluation committee recommended the segment from the southern edge of Westfield's existing fiber to the Carmel Clay Communications Center (C4) be rebid. Altman asked if there is a consensus with the entities as to how the annual maintenance costs will be divided? Casali stated that has not been determined. Altman asked Ms. Casali to follow up on that. The first year's maintenance will be paid from the UASI grant which will not be available once the funding is exhausted. Altman asked if there has been further communications with Noblesville? Casali stated there has been a mis-communication with the contractor laying the fiber, the county employee and the vendor. It was FiberTech that was delaying getting the licenses. There is now full cooperation with Noblesville. Holt motioned to approve the contracts. Dillinger seconded. Motion carried unanimously.

**Request for Variance [2:56:52]**

**Laurel Ridge Subdivision**

Mr. Joe Calderon requested a variance of the county's cul-de-sac standards of 600' for Laurel Ridge Subdivision which is 17 lots on 47 acres located at the southeast corner of 106th Street and Ditch Road. The north segment will be 793' and the south segment is 663'. This is a low density subdivision. Enhanced landscaping has been added to the north end of the property to meet Carmel's frontage road standards. Carmel has approved the variance. The highway department had no objections. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Insurance Contracts [3:01:32]**

**Section 125 Benefits (Flex Plan)**

Ms. Sheena Randall requested approval of the Third Amendment to the May 2003 Restatement of Hamilton County Employees Benefit Plan (Section 125 Benefits). The agreement increases the amount of the voluntary contribution to the Flex Plan from \$4,000 to \$5,000. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Employee Handbook Revisions**

Randall stated she forwarded the feedback from the elected officials and department heads on the revisions to the Employee Handbook. Randall asked for direction from the Commissioners. Altman stated the Commissioners will hold a special meeting on November 22, 2005 at 7:30 am to discuss the revisions. We will first meet in Executive Session and then go into open session to discuss the handbook issue.

**COBRA/Retiree Schedule**

Altman motioned to approve the Retiree/COBRA Rate Projection though April 2009, as submitted. Dillinger seconded. Motion carried unanimously.

**CDBG Grant Subrecipient Agreement [3:03:46]**

**Trinity Free Clinic Agreement**

Mr. Mark McConaghy requested approval of a transfer of funds in the amount of \$3,500 from the Urgent Need Repair Program to the Trinity Free Clinic project. Once we reviewed the clinic's project we realized their initial request for a temporary handicap ramp was not the best use of the money, a permanent ramp needs to be installed into their facility. The second item is the approval of the agreement with the Trinity Free Clinic. Holt motioned to approve. Dillinger seconded. Altman asked who owns the physical facility? McConaghy stated the church owns the facility. Altman asked if there is a commitment from the church that they will continue to let the clinic operate from that location? Ms. Peggy Charnowski stated Our Lady of Mount Carmel is entering into a 10-year lease with the Trinity Free Clinic with an annual renewal thereafter. Altman asked when will the lease be finalized? Charnowski stated this week. Altman stated her only concern is that the commitment is in place before we put capital improvements into someone else's property. Charnowski stated she is confident the lease will be approved. Motion carried unanimously.

**Highway Business [3:06:15]**

**Open Road Cut Permit**

Mr. Brad Davis requested approval of an Open Road Cut Permit - RDCUT-2005-021 - Weihe Engineers Inc. At approximately 170' east of College Avenue on 106th Street for a storm sewer. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

HAMILTON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2005

**Acceptance of Bonds/Letters of Credit - Highway Department**

Davis requested acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-05-0078 - Fidelity and Deposit Company Permit Bond issued on behalf of Crider & Crider, Inc. in the sum of \$20,000 for an entrance north of 146th Street and 2100 LF east of Ditch Road for a new subdivision to expire October 21, 2006. 2) HCHD #B-05-0079 - Fidelity and Deposit Company Permit Bond issued on behalf of Crider & Crider, Inc. in the sum of \$15,000 for an entrance east of Ditch Road and 1150 LF north of 146th Street to a new subdivision, to expire October 21, 2006. 3) HCDB #B-05-0080 - Lexon Insurance Company Permit Bond No. 114866 issued on behalf of R.G. Thomas Consulting, owner of Badger Engineering for a road cut on Lot 46B to expire October 25, 2006. 4) HCHD #B-05-0081 - Lexon Insurance Company Permit Bond No. 114865 issued on behalf of R.G. Thomas Consulting, owner of Badger Engineering for a road cut on Lot 4 Little Farms Addition, to expire October 25, 2006. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Official Action**

**Hazel Dell Road No Passing Zones**

Davis requested approval of an official action for No Passing Zones on Hazel Dell Road from 146th Street to SR 32 in Noblesville Township. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Reconstruction of Russell Johnson Drain**

Davis requested permission to apply to the Hamilton County Drainage Board for the reconstruction of the Russell Johnson Drain. This drain runs parallel to Hoosier Road at 116th Street. The ditch is eroding the bank and undermining the road. The Surveyor would like the ditch to be moved over away from the easement and re-establish the shoulder. Altman stated this item came up during today's Drainage Board meeting. Holt stated two options were presented, one included gabion baskets and not tearing out the screening that currently exists and installing a guardrail. It is a little more expensive. The other option is to tear out the existing screening and rip-rap. The Surveyor recommended Option A, which is tearing out the screening. The Surveyor asked if the Board wanted the highway department to pay for it or the people on the drain to pay for it. The Board asked the Surveyor to contact Fishers to see from an esthetics standpoint and who would ultimately be in charge of the maintenance of Hoosier Road and we asked him to talk to the Johnson Family Trust, the adjoining landowner to the east, to see what preference they had before we make a decision. Holt asked if the highway department has a preference as to who should pay for it? Davis stated he would prefer the people on the drain pay for it.

**Permission to Re-Advertise**

**106th Street & Springmill Road Intersection Improvement**

Davis requested permission to re-advertise the intersection improvement at 106th Street and Springmill Road, with bids to be opened December 12, 2005. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**103rd Street and College Avenue Stop Signs**

Altman stated we have received many phone calls regarding the removal of two legs of the four-way Stop signs at 103rd Street and College Avenue. Altman stated she has promised the callers that the Commissioners would revisit this issue when Westfield Boulevard reopens to see if the Stop should be installed. The major concerns have been from homeowners that live in the two subdivisions that directly adjoin College Avenue. Their concerns are that with the removal of those two legs and the volume of traffic on College Avenue and the speed of the traffic, they feel it is an unsafe situation to ingress and egress. Altman stated she has spoken with the highway engineer and this is not unique during rush hour. There were concerns that Carmel performed the traffic studies and she assured them that it was the county highway department that did the studies and came up with the 13/87% traffic count. The four-way stop does not work at that location. It is a huge bottleneck given the flow of traffic. Altman stated she did speak with Jim Neal, Highway Engineer, to see if a signal would be warranted. Neal indicated the counters have been put back out, they want to study it some more to get information. When the study was done in 2002 they were close to having a warrant to install a stop light at that location. After the posts and anchors are set it would be approximately two weeks to get our contractor out, if that is what we determine to do. Altman stated the Sheriff has been very cooperative in trying to get the speed under control. Sheriff Carter stated the presence of a policeman periodically is not going to control speeding, it is societal. Some type of control from those sites would be appropriate. The Sheriff's Department will continue to do what is necessary to provide access to the additions. Altman stated when you look at the traffic counts of College segment north of that intersection versus south of the intersection, the load increases dramatically just because of 106th Street turning onto College to proceed south. The Westfield Boulevard count was over 16,000. When it closed College is carrying the additional load. We do not know how the traffic patterns will change once it is opened. Dillinger stated it seems the only time there is an issue is during peak travel times, is it possible to activate a light during the busy hours and the rest of the time it go to flasher yellow, flasher red? Davis stated it would be more appropriate to put in a traffic signal that is actuated by the traffic. Davis stated it would cost approximately \$45,000. Dillinger asked in relationship to the light at 106th Street and College, would it back up traffic? Davis stated he did not think so. Altman stated she has also received a lot of complaints about the signal at 96th Street and College and that is not the county's jurisdiction, it is under the City of Carmel. Altman stated she has concerns about the private citizen that is stopping traffic on College. That gentleman will stop traffic for two cars coming out of Parkwood and that is inappropriate. Sheriff Carter will check in to it. Dillinger stated we don't want to have a knee jerk reaction but at the same time we need to be responsive. Davis stated the new traffic counters went out and will be counting 24 hours a day for a week. Dillinger motioned to let the highway department follow thru with their count and assessment and come back with a recommendation at the next meeting. Holt motioned to approve. Motion carried unanimously.

**Public Assistance Appeal [3:20:09]**

Ms. Jesse Krone thanked the Commissioners for hearing her case. Due to a series of unfortunate events that have occurred to herself and her partner, Jason, has resulted in receiving an eviction notice from her landlord as opposed to getting some sort of assistance and being able to work with them and the trustee's office. The Noblesville Trustee's office denied her request for assistance for rent based on the fact that she was not receiving food stamp assistance for October. She and Jason were off work due to medical reasons but due to return back to work on October 2nd when they were involved in a serious car accident on October 1st that totaled their car. The law offices of Church, Church, Hittle and Antrim have taken the case and are addressing the issue. That unfortunately left them unable to return to work on October 2nd. They did not receive food stamp assistance in October due to the fact that they had to reapply. During the time they were injured the Noblesville Trustee's office denied their claim because they were not

HAMILTON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2005

receiving food stamp benefits for October. If they had been able to return to work on October 2nd they would never have needed it. Altman asked Ms. Krone to clarify how much assistance she has received from Noblesville? Krone stated she has received referral assistance in August for rent for a one time utility assistance through FEMA and a referral to fix the vehicle in August, which is now totaled. Altman asked if you have had one month's rental assistance? Krone stated yes.

Ms. Katie Stern, Noblesville Township Trustee office, stated, August 5th, Jesse came in to apply for assistance for August rent and a Cinergy bill. At that time she had been off work from July 18th due to an infected wisdom tooth. On July 22nd the extraction of the tooth led to nerve damage. On July 25th she applied for emergency leave of absence from her work. On July 28th Jason was off work due to no transportation. On August 11th they got their food stamp appointment with DFC caseworker George Bell. On August 11th Jesse stated they had two vehicles and neither of the vehicles was running and they could not get to work. On August 18th Jesse stated that Jason had to have emergency hernia surgery on August 29th and she was to return to work on August 29th. Jason's estimated time to return to work was September 17th. At the time of their application for the past 30 days they had sufficient income to take care of their rent and utilities. They were over the income guidelines. They were referred for the rent to FEMA. They met with Marquine Sipes, Director of the FEMA program. Ms. Sipes paid their rent in the amount of \$555 for August and then they gave her the Cinergy bill, which she paid \$96.31. Without either vehicle working they were unable to get to work, we went to Nancy Chance of Good Samaritan and she repaired their vehicle in the amount of \$907.48. On September 8th they wanted to reapply for rent for September and for a water bill. Jesse filled out an update application and Jason was to come in and sign the application but never did. The application was denied because it was not signed. On September 27th they applied for rent for September and October, and a past due Cinergy bill and a water bill. They did provide a doctor's statement that Jason could return to work on September 28th with no limitations. On September 29th she received a doctor's excuse for Jesse's work absence to care for Jason. Jesse had been off work since July 18th with her own problems with the wisdom tooth. She did get a doctor's statement for his after surgery care. On October 3rd Jesse called in and stated she and Jason had been in a car wreck and would not be returning to work as planned. They were both seeking medical attention. On October 4th they were denied for failure to exhaust all resources through the Division of Family and Children because they had not reapplied the end of September or the first of October for more food stamps through George Bell. According to the law they can not reapply for added assistance for 60 days which would be December 4th. Ms. Billie Caldwell stated they have tried to call the company that they are allegedly employed and we have never been able to get the company to even answer the phone let alone speak to a person. At this time we have no idea if they had a job, whether it was available or not. They did not follow through with what was requested by the Township. Without spending township money they did get them about \$1,500 of assistance during this period.

Holt asked Ms. Krone, on that time line we were just given by Ms. Stern, she said you returned to work on September 28th? Krone stated the first official day they could return to work was September 28th. The first day scheduled was October 2nd, which was a Sunday. Holt asked what kind of work is that? Krone stated it is customer service technical support for Call Tech Communications. Basically they do DSL technical support for residential customers for Verizon. They call in, can't get on the Internet and we try to fix their problem over the phone and if we are unable to we create a trouble ticket for them. It is a call center environment. Holt asked if she and her husband both do that? Krone stated yes, he is a level higher than her. Holt asked if that is a 40 hour work week? Krone stated no, not for herself, it is about 35 hours and his is about 38-40 hours. Holt asked what is your hourly rate? Krone stated \$9.25. Holt asked for him? Krone stated \$10.00. They usually end up getting about \$1,500 to \$2,000 with no overtime which they unfortunately put into effect in May. Normally they would have sufficient money to pay their bills. Holt asked if you are able to car pool to work, do you work the same hours? Krone stated he and I are, we are not aware of anyone who lives in the area. They have requested they put up a flyer that they would help with gas money upon their return. They do have a vehicle that works now. Providing the Riverview Community Clinic does allow it, after Jason's CAT scan, they will both be able to return to work. It would probably not be our original positions, he would have lost his supervisor position. Holt stated he thought you went back to work October 2nd? Krone stated no, they were unable to do so because of the accident they were involved in on October 1st. Holt asked if she is working now? Krone stated no, they have not given us clearance through Riverview Community Clinic. Holt asked if you were injured? Krone stated yes. Holt asked what are your injuries? Krone stated it is related to the left side of her neck and back and she was unable to perform her duties. Holt asked if she received written verification that you were not allowed to return to work? Krone stated yes, through Riverview Community Clinic. She expects to receive confirmation that she can return to work with restrictions. Jason may not be able to return this week, it depends on the results of his CAT scan that they have scheduled. He may require an additional surgery because of the accident. The accident occurred one month after his original umbilical hernia repair and they believe that part of the medical mesh they implanted has torn and is becoming infected. Holt asked if you have supplied that documentation to Mrs. Stern? Krone stated she was not given the opportunity or asked to. When she went in to supply the information she stated to her that because they were denied they would not have to supply any information or an update application until after the hearing was complete. Holt asked if you have children? Krone stated no. Holt asked any income? Krone stated not at the moment. Holt asked where do you currently reside? Krone stated Lion's Creek Court Apartment. Holt asked where does the eviction notice stand? Krone stated the eviction notice is set for November 21st, next week. That would never have happened if they had been able to get assistance for September and been able to return to work. They would have had September taken care of, and would have been able to provide the rent for October, November. The eviction was filed by Lions Creek Apartments on October 27th. She did not receive any written or verbal requests to apply for food stamps again from either Mr. Bell or the trustee's office. The last communication she received from Mr. Bell was from September 19th stating that they would not receive food stamp benefits for October because we would be working above the income level. That was fine with her at the time. The social services offices does have date stamped material that she has mailed in to Mr. Bell. He did not reply and let her know that she had to go through a new case worker until she received a letter on November 7th, which she has done so and received food stamp benefits from a new caseworker. Holt asked if you have been on food stamps where you could be terminated from the program and automatically receive them without asking? Krone stated no, she has never gone through this situation before. Holt asked why do you think Mr. Bell would contact you to apply for food stamps, wouldn't you contact him? Krone stated she did, she made many attempts to contact him. She left many voice mails, she left many messages with the receptionist. Holt stated he thought you just told us you did not get food stamps in October because you did not know you had to reapply. Krone stated he did not tell us we had to reapply. She was still trying to communicate with him as her caseworker. The letter did not show that it is closed, it says that we do not meet income eligibility for October, but that changed as we were

HAMILTON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2005

unable to work and were not receiving income for October. Mr. Bell did not bother to contact her back to let her know she had to reapply and that he was no longer her caseworker. Holt stated he does not understand why you think Mr. Bell should call you verses you calling Mr. Bell. Krone stated she called him several times, the problem is he did not return her call. He did not let her know the situation so she could take care of things. Altman asked where is the physical place of employment? Krone stated Call Tech Communications in Fishers on Technology Drive behind Charles Schwab.

Altman asked Ms. Caldwell what written communications did your office give to Ms. Krone about time lines and applications, etc.? Caldwell stated she offered medical bills to us. We did ask for some medical statements which we never received. Altman stated she knows you have entered into an agreement with Janus on transit, would they go to Fishers? Caldwell stated no. Altman stated she does not see any documentation that give instructions to Ms. Krone about coming back to sign or her significant other has to come back and sign. Ms. Stern stated he was told verbally that he would have to sign the application. The first application that she filled out he came in and signed, which is our routine. Every time you fill out an application or update both adults have to sign the application. She signed his name to the second application, which you are not allowed to do. Altman stated the second denial was based on the failure to apply for food stamps, did she receive a written checklist that says you have to do X, Y, and Z to continue for assistance? Caldwell stated it was not written it was verbal and she did agree to it. Caldwell stated a lot of ours is verbal, it is not written out. Altman stated she has a concern that it being a basis for denial that there was not written notification. Stern stated she always tells them that if they are not on food stamps when they come and apply they have to apply. We require that they apply for food stamps. They have a general knowledge that is something they have to do when we look at their application. Altman stated since there is a personal injury case going now, is it possible to grant assistance and take a lien against recovery? I assume their attorney will be suing for lost wages, etc. which in theory you would be covering with assistance. Caldwell stated you are saying there is a possibility of us paying for 3 months rent plus attorney fees to Lions Creek because they are going to court? Altman stated no, is it possible through your assistance proceedings despite the denials to take a lien against any recovery on the lawsuit? Caldwell stated probably. Holt stated at this juncture wouldn't it make more sense to have them find another place to live on the 21st and give them assistance with that rather than paying back rent and attorney's fees? Caldwell stated they do not do first months rent, nor deposits. Krone stated Lions Creek is willing to work with them outside the eviction if we are able to show we are working with the trustee's office and are going to be able to remain there. They are willing to let us remain there as opposed to finding a new place to live. Caldwell stated she would like a guarantee that they have a job and are going back to work. Krone stated she is as soon as she gets clearance from Riverview Community Clinic, which she is expecting this week, with restrictions. If anyone needs paperwork from the Clinic that can be requested but it does take five business days. She stopped by before coming here but they did not have the paperwork complete, they need the FMLA form from her employer.

Altman asked what is the specific request? Is it for rent? Krone stated yes. Caldwell stated they were told "he was to receive disability pay, which we asked about. We can not get in touch with this company. We have asked for proof that he did receive the disability or he did not. We don't know that." Krone stated he was not eligible for disability. Altman asked Caldwell saw any pay stubs verifying employment? Stern stated yes. Altman stated, You feel comfortable they have in the past worked for this company? Stern stated yes. They were way over income guidelines for us for assistance. Altman stated in lieu of us making a decision is there some compromise that you can work out or do you want us to make a decision? Caldwell stated our denial is based on the Indiana Code and she feels that should stand. Altman stated she understands that, her concern is was there enough instruction to the applicant? Caldwell stated she believes there was. Krone stated she does not have anything in writing that she should seek food stamp assistance and she does not have anything in writing from her caseworker at the time, Mr. Bell, stating she would have to reapply. Social Services does have the date stamped material she provided to them to continue food stamp benefits, which unfortunately were not done. That was not the Trustee's fault, that was through the social services department. She was not notified she was told she had to reapply. That is not their particular concern. She was attempting to receive benefits for October as things became quite dire for us. Holt asked Krone her theory as to why they owe her an explanation verses you asking for the help? Krone stated Mr. Bell was her caseworker and when she applied to them on September 27th he was still her caseworker. After she had the accident and began to contact them on October 3rd he was still caseworker. She made many attempts to contact him and to receive benefits in October to get the information requested. She filled out several change of information requests for social services. She made every attempt to contact him, unfortunately he did not contact her to give her the necessary information she needed to receive food stamps before their denial or to receive anything for October. She was not able to go out in person to seek a face to face explanation for this, she was able to leave voice mails and send him dated material, which social services does have. She did not receive a response until he called her to tell her he was sending a letter telling her she could reapply and have a new caseworker, which was date stamped November 7th.

Dillinger asked Caldwell if she had brought the confirmation of the food stamps would you have approved this? Caldwell stated yes and if she had confirmation on the medical problems and the business where they had a job to go back to. Dillinger asked if you asked her for that? Caldwell stated yes they did. Caldwell stated they would have paid one month at that time and requested work fair. Holt asked how do you do Workfare if someone does not have permission from their doctor to go back to work? Caldwell stated if they did have the permission slip we would have expected them to do Workfare. Holt stated they don't have it or she would be back at work. Caldwell stated they never received anything stating they could not work. Dillinger asked Krone if she has anything stating she could not work? Krone stated all she has is the accident report. She has the report for the testing that was ordered through Riverview Community Clinic. Her lawyer has requested updated information from them and she expects to get a copy and her employer's records. Krone stated she expects to return to work this week as soon as she gets the paper. Holt stated you did not get the paper in the first place telling you not to return to work. Krone stated she had a note from the emergency room from Riverview. Holt asked where is that? Krone stated her attorney has that because it was due to the accident. Holt asked if you gave the Trustee a copy? Krone stated no it was not requested. Altman asked for a recess so Krone could go to her attorney's office to get a copy for her and her husband. Altman asked if Caldwell wants on the record? Caldwell stated since they did make that request 1 ½ months ago the Board should take that into consideration. Stern stated there were a couple of times she planned to go back to work and she did not. Any of this time between July 18 until today. There was her extraction, her boyfriend's surgery and then she was his care giver, was to return to work and then the wreck. There has not been any income since July nor any attempt to make any. Altman asked Krone to return by 4:15 pm.

**Continuance of Public Assistance Appeal [4:39:17]**

HAMILTON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2005

Altman asked Krone if she had the written documentation? Krone stated yes, she does not expect something for nothing. She would be more than happy when she is physically able to either reimburse the money by way of payment when the settlement comes in from the lawsuit or willing to put forth voluntary hours. She does not want a handout, she wants to be able to maintain her living quarters. Altman asked if Krone has confirmed you have a job waiting at the call center? Krone stated yes. Altman stated as well as your fiancé, depending on his physical condition? Krone presented a copy of the Outpatient Imaging Order for Riverview Hospital. Krone stated the CAT scan will determine if he will require additional surgery due to damage done at the time of the accident. Any additional health information can be obtained through Riverview Community Clinic. She does not have the FMLA forms thru them, which her employer and lawyer are waiting on. Krone stated the date stamped information and lack of income can be obtained from Mr. Bell at social services upon your request. As far as the trustee's time line they did process the denial on October 4th, the denial is postmarked October 14th. Holt asked if Krone has talked with the apartment complex on what they would accept to let her stay there? Krone stated yes, as long as they are working with the Noblesville Trustee's office, which we were in August, they are willing to accept rent for September and negotiate payments for October, November and December pending. They would break it up into payments and not wait for the lawsuit and go forward with smaller payments instead of a lump sum. Holt asked was your payment denied for September or October rent? Krone stated September and she amended it for October for the accident. Holt asked if you have a denial or both months? Krone stated yes, it is listed on one denial. Had they been able to work with the Trustee's office just for September the eviction notice would never have been filed through Lions Creek. She just wants the opportunity to keep their apartment and the opportunity to get their life in order. She does not expect something for nothing. She will be able to pay it back financially, voluntarily. She has to do something. Altman asked Krone if she is willing to give a lien against the lawsuit if assistance is granted? Krone stated yes, of course, absolutely except for the fee owed to the attorney. Holt motioned to grant Ms. Krone's appeal for September, October rent (2 months) on the condition that she sign a subrogation agreement or lien agreement with the Noblesville Township Trustee for any assistance that she may receive September, October or thereafter as a result of she and her significant other's inability to work due to the accident. Dillinger seconded. Howard asked how much is the rent per month? Krone stated \$555.00. Motion carried unanimously.

**Commissioner Committee Reports [3:50:40]**

**Deferred Compensation**

Dillinger stated Charlie Freund has recommended adding some funds and remove some funds for our deferred compensation plan. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**County Transportation System [3:51:40]**

Altman stated on November 11, 2005 representatives from Janus, Indy-Go, Mr. Huffman (Janus), County Councilor Levine, MPO and Altman discussed transit plans within Hamilton County and regionally. Mr. Huffman stated the \$81,696 amount is a proposed budget for the first six months for county wide public transportation. They have received approval from the Mayor to start discussion with the county. When we received approval from the county we can begin discussions with INDOT in regards to the federal and state grant applications. This first proposal would give us six months of sample ridership, marketing, advertising and trying to get the county wide transportation system going in the right direction to collect the data of potential ridership and need. The 2004 Hamilton County Consolidated Plan showed countywide transportation was the number one issue. From a Janus standpoint, it is not a transportation issue, it is a jobs issue. Individuals with disabilities have an unemployment rate in excess of 80%, nationwide. One of the biggest hurdles Janus finds with our community employment plan is being able to place people out in the community in jobs, is transportation. Altman stated this program would open transportation up to the public on an on-call basis, countywide? Huffman stated yes. They will be discussing with Indy-Go express shuttles where our transportation would take the people to somewhere on 96th Street, they would board the Indy-Go shuttle to go to downtown Indianapolis. It is futile to have those discussions until we know there is an interest. Holt motioned to go on record expressing our support for this initiative. Dillinger seconded. Altman asked if we have a recommendation on funding or leave it in the hands of county council? Holt stated his understood that funding was coming back to us based on what was determined on what ridership was, state and federal grants are. Altman stated they need the \$81,000 to determine that information. Huffman stated once we get the approval and start the grant process, the first time we would be able to get federal and state money would be January 1, 2007. Johnson County contributes \$7,995 and received back matching funds from the federal and state government \$529,969. At minimum we are 1 year and 2 months away from receiving the funding. The \$81,000 would be 100% funded by the county to start the process. Holt included they request county council to fund this process. Dillinger seconded. Motion carried unanimously.

**EMS [3:57:30]**

Altman stated she, John Hiatt, Steve Schwartz, representatives from Riverview Hospital, township trustees and township fire departments met. They reviewed a proposal for EMS funding and support for emergency medical services. Carmel, Noblesville, Fishers and Westfield are fully independent with provision to EMS Services. Jackson Township is a certified EMS provider and county council gave them \$70,000 to keep them afloat last year. The town of Sheridan, who also provides comprehensive coverage for Adams Township is a certified EMS Provider. This leaves two townships that are not fully certified EMS providers - the northern part of the county on a run basis will not be able to support their own program at this time. As entities have started to provide their own services, we knew the northern part of the county would have problems providing Basic Life Support or Advanced Life Support just on their own tax base. This would allocate the county budget, set just below \$500,000, with providing \$60,000 to Westfield, who just took off on their own and will need additional monetary support and the balance of the monies will be divided equally between Adams, Jackson, White River and Wayne Townships in the amount of \$109,000 per year, which would remain the same amount for the next 2 years, a 3-year fully funded program. It would then phase down by 30% each ensuing year until they are self supporting. Concerns were raised by Wayne Township which is 100% volunteer. They currently have a Riverview Paramedic in house and provide the un-incorporated part of Wayne Township with paramedics. They have not been sending their paramedic to White River. White River has never had a paramedic sent there. The intent of the Wayne Township paramedic was to cover Wayne & White River, White River elected to use Jackson and Cicero for paramedic coverage. We have never treated all the townships equally in terms of coverage. White River has never had one sitting there, they have always relied on Wayne Township which sits on Durbin Road, Cicero to their southwest corner and Jackson Township. This would allow each township trustee to determine what level of service they want - BLS(trained EMT) or paramedics and use part of their own tax base or contract with Noblesville, Cicero or Jackson to provide ALS. The only requirements of this money is that it has to be used for contract personnel, a contract for personnel or direct personnel. We do not want equipment purchased from these

HAMILTON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2005

funds. Altman represents Wayne Township and Adams Township and is unable to vote. To continue coverage is becoming cost prohibitive. County Council has approved the reallocation of funds.

Diane Nevitt, Wayne Township Board, thanked the commissioners for their past support. Wayne Township continues to lose their tax base as development comes and is annexed into Noblesville City. We don't get our base for the ALS service for our citizens. They are not sure how it will be solved financially. Dillinger stated since Noblesville has annexed, some sort of relationship with Noblesville's paramedics makes sense. Nevitt stated they are working on that. They will not have what they want by the first of the year, but will continue to work to get what they want. They have met with Noblesville, Westfield and Fishers EMS for their input. They are still gathering information. Wayne Township has applied to borrow money but it requires State approval. Holt asked once part of a township is annexed, is there a negative economic effect on the township? Altman stated there are two funds, the general fund and the direct fire rate. When the annexing entity takes over fire protection the township loses that assessed value to support their fire protection. Wayne Township would be better on their fire rate to let Noblesville take over, but then they can't control it. Noblesville has a station at 191st Street and SR 37, which is the closest to Wayne Township.

Altman would like Howard to prepare a contract between Riverveiw, Hamilton County and any participating entity such as Wayne Township, which outlines the deal, which was approved in form by county council. The individual townships can sign up and get their money on a monthly basis to offset costs. The money proposed is enough for two full-time paramedics or cross trained firefighters and they need three. Holt motioned for Mr. Howard to prepare the contract for the commissioners to review. Altman stated we should look at the recommendations from the EMS Taskforce report. It should be left to the townships if they want basic life support, advanced life support or additional monies for full-time paramedics. Dillinger seconded. Dillinger and Holt approved. Altman abstained. Motion carried.

**GIS Pictometry**

Altman stated the county purchased, with homeland security monies and assessing monies, a program called Pictometry. That is up for renewal, council put the monies for the renewal costs in the 911 budget. It was discussed during the GIS and ISS Board meetings and they do not feel it is appropriate nor do we feel there was overwhelming support to renew the contract with new pictures. Instead of \$280,000 for a new contract we will elect to continue the license and maintenance to the cost of \$16,000 a year. We have good data now, we won't re-fly for pictures. Larry Stout is putting together a consortium agreement between the county and other entities for re-flying photos on a timetable. The photography will be flown every year but the expensive component of that would be every three years.

**Precinct Changes**

Ms. Kathy Richardson requested approval of the Order Adding and Changing of Voter Precincts for Fall Creek and Delaware Townships. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Unsafe Houses**

Mr. Chuck Kiphart presented an update on the unsafe houses in Hamilton County. The commissioners took the information under advisement and will place this item on the next meeting's agenda.

Altman called a break in the meeting.

Altman called the meeting back to order.

**Administrative Assistant** [4:27:42]

**Arcadia Plan Commission Appointment**

Holt motioned to re-appoint David Kelly to the Arcadia Plan Commission. Dillinger seconded. Motion carried unanimously.

**Noblesville Chamber of Commerce Christmas Program**

Swift stated the Noblesville Chamber of Commerce has requested use of the Judicial Center atrium for their Christmas lighting ceremony on November 25, 2005. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Noblesville Main Street**

Swift stated Noblesville Main Street has requested permission to play Christmas music from the courthouse clock tower after Thanksgiving. The Commissioners agreed.

**National Association of Counties**

Swift stated the National Association of Counties requesting our membership again this year at the cost of \$2,328. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Flu Shot Clinics**

Swift stated we have received good comments on the Flu Shot clinic held at the fairgrounds. The county employee flu shot clinic is this week.

**Noblesville Library Board Appointment**

Dillinger stated Lyneen Burrow has resigned from the Noblesville Library Board. Dillinger motioned to appoint Bill Crandall to fill out her term. Holt seconded. Motion carried unanimously.

**Attorney**

**Red Cross Property Purchase Agreement**

Howard requested approval of the purchase agreement for the Red Cross building. Holt motioned to execute the agreement. Dillinger seconded. Motion carried unanimously.

**Credit Rating**

Hamilton County's credit rating from Moody's was upgraded from A1 to Aa3 and Aa1 to Aa2. Standard and Poor's rating is AA-.

**Bond Purchase Agreement - Road Bonds**

Howard requested approval of the Bond Purchase Agreement for the refunding of the road bonds. Dillinger motioned to approve. Holt seconded. Motion carried unanimously.

**Bond Purchase Agreement - TIF Bonds**

Howard requested approval of the Bond Purchase Agreement for the Thomson TIF Bonds with Cities Securities. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Liability Trust Claim**

Howard requested approval of a Liability Trust Claim payable to Michael A. Howard in the amount of \$5,208. Holt motioned to approve. Dillinger seconded. Motion carried unanimously.

**Auditor** [4:45:48]

**Clerk's Monthly Report**



HAMILTON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2005

Holt motioned to approve the Clerk's Monthly Reports - September 2005 (amended) and October 2005.  
Dillinger seconded. Motion carried unanimously.

**Treasurer's Monthly Report**

Holt motioned to approve the County Treasurer's Monthly Report dated October 31, 2005. Dillinger seconded.  
Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit - Drainage Board**

Holt motioned to accept Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2005-00103 - Madison Community Bank Irrevocable Standby Letter of Credit No. 3256 for Saddlebrook at Shelborne subsurface drains - \$84,348.00. 2) HCDB-2005-00104 - Madison Community Bank Irrevocable Standby Letter of Credit No. 3254 for Saddlebrook at Shelborne storm sewers - \$374,520. 3) HCDB-2005-00105 - Madison Community Bank Irrevocable Standby Letter of Credit No. 3255 for Saddlebrook at Shelborne erosion control - \$142,440. 4) HCDB-2005-00106 - Madison Community Bank Irrevocable Standby Letter of Credit No. 3257 for Saddlebrook at Shelborne monument - \$3,600. 5) HCDB-2005-00108 - Bond Safeguard Insurance Company Performance Bond #5018042 for Meridian Corporate Plaza - Clara Knotts Drain Improvements - \$158,974.20. 6) HCDB-2005-00109 - Bond Safeguard Insurance Company Subdivision Performance Bond #5018858 for Village of West Clay Section 6002 erosion control - \$34,800. 7) HCDB-2005-00110 - Bond Safeguard Insurance Company Subdivision Performance Bond #5018858 for Village of West Clay Section 6002 erosion control - \$34,800. 8) HCDB-2005-00111 - Fifth Third Bank Letter of Credit #CIS404389 for West Pointe Retail Center relocation & reconstruction of Long Branch Drain - \$16,526. 9) HCDB-2005-00111 - Fifth Third Bank Letter of Credit #CIS404389 for West Pointe Retail Center relocation & reconstruction of Long Branch Drain - \$16,256 (amended Letter of Credit). 10) HCDB-2005-00112 - Bond Safeguard Insurance Company Subdivision Bond #5019345 for Long Ridge Lacrosse Fields Subdivision erosion control - \$6,000. 11) HCDB-2005-00113 - Bond Safeguard Insurance Company Subdivision Bond \$5019346 for Long Ridge Lacrosse Fields Subdivision storm sewers and subsurface drains - \$45,923. Dillinger seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit - Drainage Board**

Dillinger motioned to release Bonds and Letters of Credit for the Drainage Board. 1) HCDB-2004-00076 - Bond Safeguard Insurance Company Bond No. 5013387 for Canal Place Drain in Timberstone Section 1 reconstruction of the Thomas West Arm - \$89,265.12. 2) HCDB-2004-00083 - Bond Safeguard Insurance Company Subdivision Bond No. 5011956 for Brookside Section 3 storm sewers - \$111,051. 3) HCDB-2005-00008 - Provident Bank Irrevocable Standby Letter of Credit No. S010467 for Graystone legal drain reconstruction - \$24,424.20. 4) HCDB-2003-00054 - Lexon Insurance Company Subdivision Bond #1000653 for Claybourne Section 2 erosion control - \$45,580. 5) HCDB-2003-00055 - Lexon Insurance Company Subdivision Bond #1000652 for Claybourne Section 2 storm sewers and subsurface drains - \$332,612. 6) HCDB-2004-00041 - Lexon Insurance Company Subdivision Bond #1007697 for Claybourne Pool storm sewers, subsurface drains and erosion control - \$48,475. Holt seconded. Motion carried unanimously.

**Payroll Claims**

Dillinger motioned to approve the payroll claims for the period of October 10-23, 2005, paid November 4, 2005. Holt seconded. Motion carried unanimously.

**Vendor Claims**

Dillinger motioned to approve the Vendor Claims to be paid November 15, 2005. Holt seconded. Motion carried unanimously.

Holt motioned to adjourn. Dillinger seconded. Motion carried unanimously.

**Commissioner's Correspondence**

Family and Children Services Funding Letter from DLGF  
Allen County Commissioners Proposal for Roundtable Discussions  
CDBG Notice of Removal of Grant Conditions - Trinity Free Clinic  
Notice of Public Hearings:

Noblesville Plan Commission - Hazel Dell Parkway & 146th Street  
Westfield Washington Plan Commission - 1950-2000 E. Greyhound Pass

IDEM Notice of Sewer Permit Applications:

Carmel City Center Parcel 5, Phase 1 - Carmel  
City of Noblesville Wastewater Treatment Plant - Noblesville  
Stoney Creek Commons II - Noblesville  
The Meadows of Shelborne at Deer Path, Sections 8 & 9 - Noblesville  
Village of West Clay Jackson Law Office - Carmel

IDEM Notice of Solid Waste Permit Application Receipt:

Town of Cicero

IDME Notice of Sanitary sewer Construction Permit Applications:

116th Street Force Main - Fishers  
Deer Chase Apartments, Phase 2 - Noblesville  
Harrison Lakes Lift Station Upgrade and Force Main - Fishers  
Locohaven Sections 11 & 14 at Noble West - Noblesville  
Oak Manor, Section 3 - Westfield  
Sedona, Section 3 - Fishers  
Spring Mill Commons - Westfield  
The Fairways at Prairie Crossing, Section 3 - Noblesville  
The Greens at Prairie Crossing, Section 3 - Noblesville  
The Shoppes at 141st Street - Fishers

HAMILTON COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 14, 2005

**Present**

Christine Altman, Commissioner  
Steven C. Dillinger, Commissioner  
Steven A. Holt, Commissioner  
Robin M. Mills, Auditor  
Kim Rauch, Administrative Assistant to Auditor  
Fred Swift, Administrative Assistant to Commissioners  
Michael A. Howard, Attorney  
Darren Murphy, Attorney  
Doug Carter, Sheriff  
Brad Davis, Highway Director  
Virginia Hughes, Administrative Assistant to Highway Engineer  
Mike McBride, Highway Technical Engineer  
Tim Knapp, Highway Right-of-Way Specialist  
Joel Thurman, Highway Project Engineer  
Matt Knight, Highway Staff Engineer  
Kathy Howard, Highway Department  
Bob Davis, Highway Superintendent  
Leslie K. McKinsy, Wayne Township Fire Department  
David Barker, Wayne Township Fire Department  
Diana Nevitt, Wayne Township Board  
Dylan Haahr, Bid Letting  
BJ Casali, ISSD  
Dick Harvey, George R. Harvey & Sons  
Chris Sikich, Noblesville Ledger  
Becki Wise, USI  
Jeff Cohen, JB Cohen Realty Corporation  
Randy Marra, Tramca, Inc.  
Joe Calderon, Bose, McKinney & Evans  
Brent Hofer, Bid Opening  
Denny Neidigh, CMI  
Edward Pipkin, 103rd & College  
Michael Little, Calumet Asphalt  
Bob Hansen, Noblesville Daily times  
Jeff Huffman, Janus Development Services  
Elaine McCain, Noblesville Public Transportation  
Billie Caldwell, Noblesville Township  
Katie Stern, Noblesville Township  
Mark McConaghy, Community Development Block Grant  
Jesse Krone, Public Assistance Appeal  
Margaret Charnowski, Trinity Free Clinic  
Chuck Kiphart, Plan Commission  
Kathy Richardson, Precinct Changes

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST

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Robin M. Mills, Auditor